

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARRYL MCGORE,

Petitioner,

v.

Case No. 24-cv-11509

Honorable Linda V. Parker

JAMES CORRIGAN,

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR APPOINTMENT OF COUNSEL

Michigan prisoner Darryl McGore ("Petitioner") filed a pro se petition for writ of habeas corpus under 28 U.S.C. § 2254 challenging his state court convictions for one count of first-degree criminal sexual conduct and two counts of armed robbery which were imposed following a jury trial in the Recorder's Court for the City of Detroit (now Wayne County Circuit Court). As this was Petitioner's second federal habeas petition challenging the same convictions, this Court issued an order on June 24, 2024, transferring the petition to the Sixth Circuit Court of Appeals pursuant to 28 U.S.C. § 2244(b)(3)(A). The matter is now before the Court on Petitioner's motion for appointment of counsel. (ECF No. 5.)

The Court denies Petitioner's motion because it lacks jurisdiction over his successive petition in the absence of authorization from the Sixth Circuit pursuant to § 2244(b)(3)(A). *See e.g. United States v. Key*, 205 F.3d 773, 774 (5th Cir. 2000) (district court lacked jurisdiction over petitioner's motion for the appointment of counsel to assist in his filing of a successive habeas corpus petition, and, instead, the motion for the appointment of counsel should have been brought in Court of Appeals as part of a petition for authorization to file a successive habeas petition); *see also Salem v. Warren*, No. 09-12157, 2009 WL 3125554, at *2 (E.D. Mich. Sept.

28, 2009) (citing *Key*, 205 F.3d at 774) (explaining that “[a] district court lack[s] jurisdiction over [a] motion for the appointment of counsel to assist in [the] filing of a successive habeas corpus petition [at the Sixth Circuit]”); *Wagner v. Smith*, No. 06-10514, 2007 WL 3124659, at *2 (E.D. Mich. Oct. 25, 2007) (explaining that “[b]ecause jurisdiction of this action was transferred from the district court to the Sixth Circuit Court of Appeals . . . [a] motion for the appointment of appellate counsel [is] more appropriately addressed to the Sixth Circuit.”).

Accordingly,

IT IS ORDERED that Petitioner’s Motion for the Appointment of Counsel (ECF No. 5) is **DENIED**.

Date: September 7, 2024

s/LINDA V. PARKER
UNITED STATES DISTRICT JUDGE